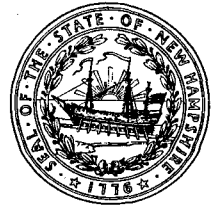


State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
SP-2005-01

May 25, 2005

Gerard & Mary Ellen Moloney
18 Saddle Club Rd
Lexington, MA 02420

RE: DES Wetlands File #2005-00093 Gruner Extension, Moultonborough

Dear Mr. and Ms. Moloney:

On April 19, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Moultonborough Tax Map 31, Lot 6, Gruner Extension, Moultonborough, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act (CSPA).

During the inspection the following deficiencies were documented:

1. A contiguous section of the shoreline measuring approximately 86 feet of the estimated 137 foot shoreline frontage was cleared of all trees, saplings, and shrubs extending back approximately 70 feet from the shoreline;
2. 21 stumps (11 trees and 10 saplings) were documented within the 86 foot section that was cleared;
3. The clearing for the building envelope on the south side of the residence measured approximately 32 feet out from the foundation;
4. The clearing for the building envelope on the north side of the residence measured approximately 28 feet out from the foundation.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES.

The restoration plan should include replacement of native and natural vegetation and restoration of the natural shoreline along the 86 foot section of cleared frontage and shall maintain the remaining natural, undisturbed shoreline. Please submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing;
 - i. existing conditions,
 - ii. proposed conditions after restoration with native vegetation.
- b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A planting plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species (copy enclosed). Saplings should be proposed in areas where trees were removed.
- d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Bleharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, stylized "COPY" stamp.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL: 7004 0750 0001 2491 9168

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
USACOE